

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MILTON E. ROBINSON,

Plaintiff,

vs.

PAUL D. CASPARI, et al.,

Defendants.

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Case No. 4:06-CV-1679

MEMORANDUM AND ORDER

The matter is before the Court on its review of the record and Defendant's Motion for Extension of Time to Amend (Doc. No. 24), filed October 16, 2007. On July 16, 2007, the Court dismissed Plaintiff's Complaint and held that he had until August 16, 2007 within which to file an Amended Complaint. (Doc. No. 19). The Court mailed this order to the address provided by Plaintiff. Plaintiff has now requested that the Court grant him more time to amend his Complaint because the Madison County Sheriff, Robert Hertz, took away his legal materials.(Doc. No. 21).

Upon consideration, the Court denies Plaintiff's request for an extension of time. Plaintiff does not allege that Hertz prevented him from learning of the Court's Order of July 16, 2007. Even assuming Hertz did take his legal files, this fact does not excuse him from filing an amended complaint. Specifically, Plaintiff has personal knowledge of enough facts to allege a "short and plain statement" of claim. See Fed. R. Civ. P. 8(a).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff's Motion for Extension of Time (Doc. No. 24) is **DENIED**.

Dated this 23rd day of October, 2007.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE